

The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	9.1
Report No	HLB/048/15

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Volunteer Arms, 47 High Street, Fort William, PH33 6DH

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by David Smillie.

1.0 Description of Premises

1.1 The Volunteer Arms is a well established bar located on the High Street within the town centre of Fort William, overlooking Cameron Square. The premises consists of a bar on the ground floor with the bar counter to the front of the premises. The area to the rear of the premises accommodates a pool table which is removed when entertainment is provided and the area is utilised as a dance area. There is a stairway before the dance area which leads to the male and female toilets in the basement. There are also external drinking facilities at the front of the premises on the High Street.

There is a lane on one side of the premises with commercial property on the other and residential property above and to the rear of the premises. The High Street is pedestrianised and covered by CCTV.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Thursday: 1100 hours to 0100 hours
Friday and Saturday: 1100 hours to 0200 hours
Sunday: 1100 hours to 0100 hours

3.0 Summary of Variation Application

3.1 Variation Sought

The applicant seeks to vary the premises licence as follows:-

- (1) increase on-sale permitted hours of external seating area to 1100 hours to 2000 hours, Monday to Sunday in line with approved planning consent (previously Monday to Friday (excluding Thursday) : 1100 hours to 1500 hours and Saturday/Sunday : 1000 hours to 1700 hours)

4.0 Background

- 4.1 On 9 March 2015 the Licensing Board received an application for a major variation of a Premises Licence from David Smillie.
- 4.2 The application was publicised during the period 2 April 2015 until 23 April 2015 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

5.0 Legislation

- 5.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises, the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;

3. having regard to the number and capacity of licensed premises of the same or similar description as the subject premises (taking account of the proposed variation) in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises or licensed premises of that description in the locality.

5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- The Premises Licence Holder has obtained the necessary planning consent to increase the core on-sale hours in respect of the external seating area.
- The hours applied for are within the policy hours of the Highland Licensing Board.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

Existing local conditions will continue to apply.

8.3 Special Conditions

Existing Special Conditions will continue to apply.

Recommendation

The Board is invited to determine the above application.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/RSL/0486

Date: 24 April 2015

Author: AHM:ET/JT

Background Papers: The Licensing (Scotland) Act 2005/Application Form.